IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTORIA GIAMPA,

Appellant,

vs.

CHARLES GIAMPA,
Respondent.

Filed: April 09, 2009

Tracie K. Lindeman
Clerk of Supreme Court

No. 51422
No. 52424

VICTORIA GIAMPA,
Petitioner,
v.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND, THE HONORABLE SANDRA L. POMRENZE, DISTRICT JUDGE, FAMILY COURT DIVISION,
Respondents,
and
CHARLES F. GIAMPA,
Real Party in Interest.

ORDER DENYING REHEARING IN DOCKET NO. 52424 AND TRANSFERRING PETITION AND MOTION TO DOCKET NO. 51422

On October 24, 2008, petition filed a motion for an extension of time to file a motion to amend her writ petition or alternatively, to seek rehearing of the Order Denying

Petition for Writ of Mandamus or Prohibition entered by a pane. Of this court on October 2, 2008, and she has submitted a motion to amend, or alternatively petition for rehearing, and an appendix. The certificate of service indicates that the motion was mailed one day late. See NRAP 49(a)(1); NRAP 25(1)(1). We construe the motion as one seeking an extension of time to file a rehearing petition, and we grant the motion and direct the clerk of the court to file the petition received on October 24, 2008.

Having reviewed the petition, we are not persuaded that rehearing is warranted as we did not overlook or misapprehend any matter in the original petition. NRAP 49(c). Complete documentation in original writ petitions addressed to this court is necessary because, unlike in an appeal, this court has no record of the proceedings in the district court. See Pan v Dist. Ct., 120 Nev. 222, 229, 88 P.3d 840, 844 (2004); see also NRAP 21(a) (detailing petitioner's burden in original writ petitions). A rearing petition is not an appropriate vehicle for petition to remedy her failure to provide sufficient documentation in her original petition. Moreover, while the limited information in the belatedly submitted appendix indicates that the district court may not have followed the proper procedure for declaring petitioner to be a vexatious litigant, see Jordan v. State, Dep't of Motor Vehicles, 121 Nev. 44, 60-62, 110 P.3d 30, 42-44 (2005), abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev._____, 181 P.3d 670 (2008), there is insufficient information before this court to justify our extraordinary intervention at this time. Accordingly, rehearing is not warranted and we deny the petition.

On March 12, 2009, this court received a proper person petition for rehearing. The petition did not bear a docket number, and the caption reflected the caption for Docket No. 52424; accordingly, the petition was docketed in that matter. Further review of the petition, as well as a March 7, 2009, motion, indicates that the petition and motion concern the appeal in Docket No. 51422. Accordingly, we direct the clerk of this court to strike the petition and motion fro Docket No. 52424 and refile them in Docket No. 51422.

It is so ORDERED. [1]

_____, J.
Cherry

_____, J.
Saitta

[1] The disposition in this case was entered before January 1, 2009. Only those justices remaining on the court who participated in that decision have participated in this rehearing petition..